THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

–

W.P.No.14043 of 1998

–

Between
Gollapalli Ammannamma and others ..Petitioners

AND

Government of Andhra Pradesh represented by its Secretary, Revenue Department and others ..Respondents

JUDGMENT

9.2.2007

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.14043 of 1998

ORDER:

This writ petition has been instituted, in substance, seeking directions to the respondents to effect the re-delivery of the land of an extent of Ac.22.57 cents in several Survey numbers situate in Pellur Village, Ongole Mandal, Prakasham District, back to the petitioners.

A large extent of land of nearly about Ac.95.00 appears to have been acquired pursuant to the notification issued under Section 4 of the Land Acquisition Act for the purpose of construction of Nagarjuna Sagar Project camp colony and quarters to be located at Pellur Village in Ongole Mandal of Prakasham District. Ultimately, an Award No.31 of 1971 had come to be passed on 30.3.1971 by the Land Acquisition Officer. But however, some of the lands have not been put to use for which they were sought to be acquired. Representations have been made to the District Collector as well as to the Government and in fact, it appears that some of the requests of the land owners have been entertained and re-conveyance of the land was also ordered during 1990 and also pursuant to certain directions issued by this Court in W.P.No.11867 of 1996.

Therefore, the writ petitioners have solicited directions from this Court to the respondents to entertain the claim of the writ petitioners as well for re-conveying the land belonging to them, which also remained unutilised for the purpose for which it had been acquired. But, however, the District Collector had declined to concede the request of the writ petitioners on the plea that even if the land is not put to use for which it was acquired, but nonetheless, the same can be put to any other compelling public use as well. Since the State is contemplating to put an effective use of the land in Pellur Village, the District Collector did not consider it appropriate to re-convey the land back in favour of the writ petitioners.

I have heard the learned counsel for the writ petitioners. The learned counsel makes a submission that the District Administration is picking and choosing for the purposes for re-conveying the unutilised land to original land owners. He also comments that an inappropriately estimated land acquisition proposal has resulted in the writ petitioners losing a valuable resource of theirs and therefore, the State Government and the Revenue Administration are not at all justified in not entertaining their claim for re-conveyance particularly when they have entertained similar requisitions from similarly placed individuals in the past.

The learned Government Pleader for Land Acquisition, per contra, had pointed out that when once the proceedings under the Land Acquisition Act have

culminated in passing of award and in payment of the compensation, the title to the property had passed back to the State and thereafterwards, it is the prerogative of the State to put the land to the effective use not only for the purpose for which it was acquired initially, but the same can also be put to use for any other public purpose.

The learned Government Pleader would contend that it is not open to the writ petitioners to compel the State to re-convey such of the land which has not been put to use for the purpose for which it was initially acquired. The learned Government Pleader had pressed into service in this regard two judgments rendered by the Supreme Court in **C.Padma v. Deputy Secretary to the Government of Tamil Nadu**[1] and **in Government of Andhra Pradesh v. Syed Akbar**[2].

It has now been firmly settled that when the land is acquired under the Land Acquisition Act, it is vested in the State Government free from all encumbrances and the claim for re-conveying the land by its former owners cannot be accepted merely because such land has not been put to use for which it was acquired. It is always open to the State to put the land so acquired for any other or altogether for a different purpose. So long as the said purpose is a public purpose, it is not open for the Court to come to any conclusion as to the necessity of the State Government to retain its hold over such land.

In these set of circumstances and particularly, when the State Government is considering to establish a Medical College in the land which is remaining

unutilised at Pellur Village of Ongole Mandal of Prakasham District, as is represented by the learned Government Pleader for Land Acquisition based upon the instructions received by him from the State Government, it is not open to the writ petitioners to insist upon or seek any direction to compel the State and its administration to re-convey the land in question. It is always open to the writ petitioners to persuade the State Government to see reason behind their claim and accede to such claim if the State Government considers it appropriate to do so.

With this, the writ petition stands dismissed. No costs.

NOOTY RAMAMOHAN RAO.J.

9.2.1.2007
psr

[1] 1997 (2) SCC 627
[2] 2005 (1) SCC 558